

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PAUL STOLARIK,

Plaintiff,

v.

CITY OF WILKES-BARRE, et al.,

Defendants.

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3:12-CV-01249
(JUDGE MARIANI)

ORDER


AND NOW, THIS 30TH DAY OF OCTOBER, 2013, in accordance with the
Court's Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion to Dismiss Portions of Plaintiff's Complaint is **GRANTED IN**

PART, to wit:

- a. All Counts are **DISMISSED WITHOUT PREJUDICE**, except that,
- b. That portion of Count I that appears to allege an independent substantive
due process claim under the Fourteenth Amendment is **DISMISSED WITH
PREJUDICE** to the extent that it does so.

2. Plaintiffs shall have **FOURTEEN (14) DAYS** from the date of this Order to file an
amended complaint.



Robert D. Mariani
United States District Judge